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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,638	01/24/2001	Bertrand A. Damiba	BVOC005	5282

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EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 04/20/2005

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,638

Applicant(s)

DAMIBA, BERTRAND A.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13 and 15-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3-7, 9-13, and 15-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-7, 9-13, and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crow et al (US Patent No. 6,538,665) in view of Brooks et al. (US Patent No. 6,477,493).

Regarding claim 1, Brooks discloses a method for providing a transcription graphical user interface, comprising the steps of (a) displaying an utterance icon for prompting the emission of an utterance via a speaker upon the selection thereof (see col. 2, lines 46-67 and col. 4, lines 33-67); and (b) depicting a transcription field for allowing entry of a transcription of the utterance utilizing a keyboard (see col. 5-6, lines 1-67); wherein a comment field is depicted for allowing entry of comments associated with the transcription utilizing the keyboard (see col. 8, lines 12-44); wherein the comments include a performance of a transcriber in transcribing the utterance (see col. 7, lines 1-50); however, Brooks fails to explicitly teach wherein the transcription graphical user interface is displayed using hypertext markup language (HTML).

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Crow teaches the transcription graphical user interface is displayed using hypertext markup language (HTML) (see col. 6, lines 1-50). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide the transcription graphical user interface is displayed using hypertext markup language (HTML) as taught by Crow to the computer speech recognition device of Brooks in order to generate a GUI display screen for prompting and enabling user selection of at least one of an audio input device and an audio environment and retrieving one of the enrollments responsive to the user selection, for user in a dictation or transcription session:

Regarding claim 3, Crow discloses wherein the transcription graphical user interface is capable of being displayed over a network utilizing a network browser (see col. 11, lines 1-13).

Regarding claim 4, Brooks discloses wherein a pair of selection icons are displayed for prompting the emission of previous and next utterances (see col. 9, lines 40-62).

Regarding claims 5-6, Brooks discloses wherein a hint is displayed corresponding to the utterance; and wherein the hint corresponds to a word matched with the utterance utilizing a speech recognition process (see col. 8, lines 28-67).

As per claims 7, 9-13 and 15-18, are apparatus claims that corresponds to method claims 1-6, and thus are rejected for the aforementioned reason.

Regarding claim 19, Brooks discloses wherein the transcription gui is in communication with a database containing untranscribed and transcribed utterance records (see col. 7, lines 10-40).

As per claims 20-22, are apparatus claims that corresponds to method claims 1-6 and 19, and thus are rejected for the aforementioned reason.

Response to Arguments

1. Applicant's arguments filed on 01/16/05 have been fully considered but they are not persuasive.

On page 6 of the remarks; applicant argues that the combination of Brook and Crow do not teach or suggest "transcription filed for allowing entry of a transcription of the utterance". However, the limitations as claimed set forth to read on "in response to a user input requesting importation of the enrollment recording, the user can be presented with a list of enrollment recordings found on the transcription device, or alternatively, already located in the computer system. The user input can be in any suitable form, including but not limited to the form of a spoken user utterance received by microphone, a user keyboard entry, or input from a pointing device such as a mouse. In response to a user input identifying an enrollment script to import, the speech recognition system imports the enrollment recording into the speech recognition system. The user input can be in any suitable form, including but not limited to the form of a spoken user utterance received by microphone, a user keyboard entry, or input from a pointing device such as a mouse (see col. 8, lines 13-27).

On page 7 of the remarks; applicant argues that the combination of Brook and Crow do not teach or suggest "transcription graphical user interface". However, the limitations as claimed set forth to read on "a graphical user interface (GUI) is provided that includes a number of features for referencing, playing back, and/or otherwise processing time-based media information (e.g., video, animated graphics, and/or audio, etc.). the GUI, also sometimes referred to as a media player, provides functionality for processing time-based media in the QuickTime format, such as QuickTime "movies," which typically include audio and motion video information. Although the present invention is described with reference to the QuickTime media data format, it will be appreciated that the invention may also be used in a variety of environments, in conjunction with other media data formats, and with various types of data processing systems having a number of different types of architectures; see Crow col. 5, lines 5-67).

In response to applicant's argument on page 7 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Brooks discloses depicting a transcription field for allowing entry of a transcription of the utterance utilizing a keyboard used in combination of Crow's transcription

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graphical user interface is displayed using hypertext markup language (HTML). One skilled in the art at the time the invention was made would have been obvious to provide the transcription graphical user interface is displayed using hypertext markup language (HTML) as taught by Crow to the computer speech recognition device of Brooks in order to generate a GUI display screen for prompting and enabling user selection of at least one of an audio input device and an audio environment and retrieving one of the enrollments responsive to the user selection, for user in a dictation or transcription session.

On pages 7-9 of the remarks; applicant argues that the combination of Brook and Crow do not teach or suggest "a comment for entry for comments associated with a transcription"; However, the limitation as claimed set forth to read on "in the case where a transcription device does not have the capacity to store enough dictation for the system to recognize the minimum predetermined percentage of words from the enrollment script, the system can notify the user that no problem was found, but that additional dictation of the enrollment script is necessary. In this case, the system asks the user to dictate the next portion of the enrollment script into the dictation device in the distinct audio environment in which the user dictated the first portion of the enrollment script. The user can then transfer the subsequent enrollment recording into the speech recognition system and build upon the previously transferred recording so that the minimum predetermined percentage of words may eventually be recognized for training. In this case, each time the user transfers a subsequent recording of the enrollment script, the system

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again decodes the enrollment recording, checks for audio quality, and checks for the minimum predetermined percentage of words and sentence order. If the system recognizes a minimum predetermined percentage of words, the system proceeds to step 68. In step 68, the system can enable a user activatable icon, which when activated, initiates the training process.”

See Brook col. 9, lines 3-40.

The claims invention as represented, does not distinguish over the prior arts as discussed above.

Conclusion


1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

04/11/05